

"225" disclosed in the specification on page 22, line 13. A proposed drawing correction is submitted herewith for approval by the Examiner consisting of a photocopy of Fig. 6 with reference number "225" added thereto in red to designate the adhesive layer 225 referred to on page 22, line 13 of the specification. Approval of the proposed drawing correction and withdrawal of the objection to the drawings is courteously requested.

Claims 30-34 were rejected under 35 U.S.C. §112, 2nd paragraph, and claims 30 and 34 have been amended to overcome this rejection. In particular, claims 30 and 34 have been amended to recite the securing element as removably securing the compressible structure on the window structure, and claim 34 has been further amended to recite the attachment member as having a planar base releasably, adhesively secured to the glass pane. Accordingly, it is submitted that the rejection of claims 30-34 under 35 U.S.C. §112, 2nd paragraph, has been addressed and overcome with the present amendment.

Claims 2, 3, 7-19, 35, 36, 40 and 41 were objected to as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Furthermore, claim 34 was indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. §112, 2nd paragraph, and to include all of the limitations of the base claim and any intervening claims. The rejection of claim 34 under 35 U.S.C. §112, 2nd paragraph, has been addressed and overcome as pointed out above. Claims 2, 7, 17, 34, 35 and 40 have been amended to be rewritten in independent form to include all of the limitations of the base claim and any intervening claims and should now be allowable along with claims 3 and 8-16 depending from independent claim 2, claims 18 and 19 depending from

independent claim 17, claim 36 depending from independent claim 35 and claim 41 depending from independent claim 40.

The rejection of claims 1 and 29 as being anticipated by Weaver, the rejection of claims 20-22, 37 and 42 as being unpatentable over Weaver, and the rejection of claims 4-6, 30-33, 38 and 39 as being unpatentable over Weaver in view of Dearing are all respectfully traversed for the following reasons.

Independent claim 1 recites "a shaping member for removable securement on the window structure and defining a cavity over the exterior of the glass pane; and a layer of solidified compressible material filling said cavity and providing protection for the glass pane." The Examiner interprets Weaver as disclosing a compressible structure comprising a shaping member 30,32,34,36 for removable securement on a window structure 16,18 and defining a cavity over the glass pane, and a layer of solidified compressible material 38 in the cavity capable of providing protection for the glass pane. Applicant respectfully disagrees that Weaver discloses a layer of solidified compressible material in the cavity defined by the shaping member, it being noted that the insulation medium 38 in the cavity defined by the shaping member 30,32,34,36 is described by Weaver merely as an "insulation medium 38". The Examiner asserts that the insulation medium 38 is at least compressible at area 20 since Weaver discloses compressive spring area 20 between upper window insert end 12 and lower window insert end 14. However, Weaver explicitly describes the compressive spring area 20 as a concave groove 22 connecting the first wall 30 of the upper window insert end 12 to the first wall 30 of the lower window insert end 14 and a concave groove 24 connecting the second wall 32 of the upper window insert end 12 to the second wall 32 of the lower window insert end 14 (column 3, line 62 - column 4,

line 1). The grooves 22 and 24 are described as being held in spaced apart relationship by the insulation medium 38, without any disclosure of the insulation medium 38 itself being compressible. In order for the compressive spring area 20 of Weaver to be compressible, it is not necessary for the insulation medium 38 itself to be compressible in area 20 since the compressive spring area 20 could merely buckle or collapse due to grooves 22 and 24 without the insulation medium 38 itself compressing. It does not necessarily follow from the teachings of Weaver of compressive spring area 20 comprising concave grooves 22 and 24 that the insulation medium 38 itself must be compressible in area 20 such that the insulation medium 38 being compressible at least in the area 20 is not inherent to Weaver as alleged by the Examiner. Even if the insulation medium 38 is considered to be compressible at area 20, there are no teachings or suggestions by Weaver of the cavity defined by the shaping member 30,32,34,36 being filled with a compressible material since Weaver discloses only a narrow compressive spring area 20 between the upper window insert end 12 and the lower window insert end 14. The Examiner acknowledges that Weaver does not specifically disclose the upper window insert end 12 and the lower window insert end 14 as protecting the glass pane of the window, but asserts that the structure disclosed by Weaver is inherently capable of performing the function of protecting the glass pane of the window. Applicant respectfully disagrees since, as pointed out above, Weaver fails to disclose or suggest any features for the insulation medium 38 which would necessarily provide protection for the glass pane. Accordingly, independent claim 1 is submitted to be clearly patentable over Weaver and should be allowed along with dependent claims 4-6 and 20-22.

With respect to dependent claims 4-6, which recite a securing element and features

thereof for removably securing the compressible structure on the window structure, it is noted that Dearing fails to rectify the foregoing deficiencies of Weaver. Accordingly, dependent claims 4-6 are submitted to be clearly patentable over Weaver in view of Dearing for the additional structural features recited therein as well as being allowable with independent claim 1.

Dependent claims 20-22 recite additional features of the solidified compressible material and, as pointed out above, Weaver fails to teach or suggest the insulation medium 38 as being a solidified compressible material much less a solidified compressible material having the characteristics recited in claims 20-22. Accordingly, dependent claims 20-22 are submitted to be clearly patentable over Weaver for the additional features recited therein as well as being allowable with independent claim 1.

Independent claim 29 recites "a panel of solidified compressible foam material disposed over the exterior of said glass pane to protect said glass pane from damage due to storms." As pointed out above in connection with independent claim 1, Weaver fails to disclose or suggest the insulation medium 38 as a solidified compressible material much less a solidified compressible foam material. In addition, Weaver discloses the lower window insert end 14 resting upon a window sill 18 (column 3, line 49 and Fig. 1) so that the upper and lower window insert ends 12 and 14 are disposed over the interior of the glass pane and not over the exterior of the glass pane as required by independent claim 29. Accordingly, independent claim 29 is submitted to be clearly patentable over Weaver and should be allowed along with dependent claims 30-33.

Dependent claims 30-33 recite a securing element and various features thereof which the Examiner asserts are disclosed by Dearing. However, as pointed out in

connection with dependent claims 4-6, Dearing fails to rectify any of the aforementioned deficiencies of Weaver. Accordingly, dependent claims 30-33 are submitted to be clearly patentable over Weaver in view of Dearing for the additional structural features recited therein as well as being allowable with independent claim 29.

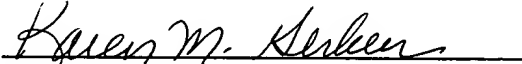
Independent claim 37 relates to a method of temporarily protecting a glass pane of a window structure in a building from storm damage, comprising the steps of "before a storm arrives, releasably securing a pre-formed panel of solidified compressible material over the exterior of the glass pane; leaving the panel in place during the storm to protect the glass pane from damage; and after the storm has passed, removing the panel from the glass pane." Because there are no teachings or suggestions whatsoever in Weaver of a pre-formed panel of solidified compressible material, there can be no disclosure or suggestion by Weaver of the step of releasably securing a pre-formed panel of solidified compressible material over the exterior of the glass pane. The step of releasably securing recited in claim 37 is also not taught or suggested by Weaver for the reason that Weaver discloses the upper and lower window insert ends 12 and 14 disposed over the interior and not the exterior of the glass pane as pointed out above in connection with independent claim 29. Additionally, Weaver does not disclose any use whatsoever of the upper and lower insert ends 12 and 14 to protect a glass pane of a window structure from storm damage and fails to disclose any steps whatsoever in relation to a storm whereas in contrast the steps required by claim 37 are all recited in relation to a storm. Accordingly, independent claim 37 is submitted to be clearly patentable over Weaver and should be allowed along with dependent claims 38, 39 and 42.

It is noted that dependent claims 38 and 39 recite steps relating to releasably

securing the panel to the glass pane which the Examiner asserts are supplied by Dearing. However, as pointed out above, Dearing fails to rectify any of the deficiencies of Weaver with respect to independent claim 37. Accordingly, dependent claims 38 and 39 are submitted to be clearly patentable over Weaver in view of Dearing for the additional limitations recited therein as well as being allowable with independent claim 37.

In light of the foregoing, all of the claims of the subject application are submitted to be in condition for allowance. Action in conformance therewith is courteously solicited. Should any issues in the subject application remain unresolved, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,


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Appendix

Version of Amended Claims with Markings to Show Changes Made

Amend claims 1, 2, 7, 17, 29, 30, 34, 35, 37 and 40 as follows:

--1. (Amended) A compressible structure for temporarily protecting a glass pane of a window structure comprising

a shaping member for removable securement on the window structure and defining a cavity over the glass pane; and

a layer of solidified compressible material [in] filling said cavity and providing protection for the glass pane.

2. (Amended) A compressible structure [as recited in claim 1] for temporarily protecting a glass pane of a window structure comprising

a shaping member for removable securement on the window structure and defining a cavity over the glass pane;

a layer of solidified compressible material in said cavity providing protection for the glass pane; and [further including]

a port in said shaping member communicating with said cavity by which said compressible material is supplied to said cavity in fluidic form and solidifies within said cavity.

7. (Amended) A compressible structure [as recited in claim 4 wherein] for

temporarily protecting a glass pane of a window structure comprising

a shaping member for removable securement on the window structure and defining a cavity over the glass pane;

a layer of solidified compressible material in said cavity providing protection for the glass pane; and

a securing element for removably securing said compressible structure on the window structure, said securing element [includes] including one or more securing devices each including an attachment member and a clip, said attachment member having a planar base for being releasably, adhesively secured to the glass pane and a pin extending perpendicularly from said base for penetrating said compressible structure so that a forward end of said pin protrudes from said compressible structure, said clip including an opening for receiving said forward end therethrough in releasable locking engagement to retain said compressible structure between said clip and said base.

17. (Amended) A compressible structure [as recited in claim 1 wherein] for temporarily protecting a glass pane of a window structure comprising

a shaping member for removable securement on the window structure and defining a cavity over the glass pane; and

a layer of solidified compressible material in said cavity providing protection for the glass pane, said layer of solidified compressible material [includes] including a first layer of a first solidified compressible material and a second layer of a second solidified compressible material disposed over said first layer, said first and second solidified compressible materials being of different densities.

29. (Amended) A temporarily protected window structure comprising
a window structure having a glass pane mounted in a frame; and
a compressible structure removably secured on said window structure and
including a panel of solidified compressible foam material disposed over the exterior of
said glass pane to protect said glass pane from damage due to storms.

30. (Amended) A protected window structure as recited in claim 29 and
further including a securing element [for] removably securing said compressible
structure on said window structure.

34. (Amended) A temporarily protected window structure [as recited in claim
32 wherein] comprising

a window structure having a glass pane mounted in a frame;
a compressible structure removably secured on said window structure and including
a panel of solidified compressible foam material disposed over said glass pane to protect
said glass pane from damage due to storms; and

a securing element removably securing said compressible structure on said window
structure, said securing element including one or more mechanical securing devices, said
one or more securing devices each [include] including an attachment member and a clip,
said attachment member [have] having a planar base [for being] releasably, adhesively
secured to [the] said glass pane and a pin extending perpendicularly from said base for

penetrating said compressible structure so that a forward end of said pin protrudes from said compressible structure, said clip including an opening for receiving said forward end therethrough in locking engagement to retain said compressible structure between said clip and said base.

35. (Amended) A temporarily protected window structure [as recited in claim 30 wherein] comprising

a window structure having a glass pane mounted in a frame;

a compressible structure removably secured on said window structure and including a panel of solidified compressible foam material disposed over said glass pane to protect said glass pane from damage due to storms, said panel of solidified compressible material [includes] including a first layer of a first solidified compressible material having a first density and a second layer of a second solidified compressible material disposed over said first layer and having a second density greater than said first density; and

a securing element removably securing said compressible structure on said window structure.

37. (Amended) A method of temporarily protecting a glass pane of a window structure in a building from storm damage, comprising the steps of

before a storm arrives, releasably securing a pre-formed panel of solidified compressible material over the exterior of the glass pane;

leaving the panel in place during the storm to protect the glass pane from damage;
and

after the storm has passed, removing the panel from the glass pane.

40. (Amended) A method of temporarily protecting a glass pane [as recited in claim 37 wherein] of a window structure in a building from storm damage, comprising the steps of

before a storm arrives, releasably securing a pre-formed panel of solidified compressible material over the glass pane, said step of releasably securing [includes] including the steps of inserting a pin of an attachment member through the panel so that a base of the attachment member abuts a back surface of the panel and a forward end of the pin protrudes from a forward surface of the panel, positioning a clip on the forward end of the pin to releasably, lockingly retain the panel between the clip and the base, and releasably attaching the base to the window structure;

leaving the panel in place during the storm to protect the glass pane from damage;
and

after the storm has passed, removing the panel from the glass pane.